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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,729	12/02/1999	DARREN KENNETH ROGERS	1368(TOUCHST	2991

7590 03/26/2002

AUZVILLE JACKSON JR  
8652 RIO GRANDE ROAD  
RICHMOND, VA 23229

EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
1714	13

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

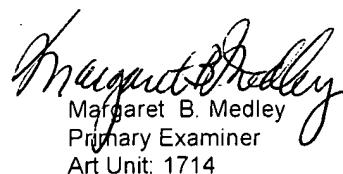
T.D-13

<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	09/453,729	ROGERS, DARREN KENNETH
	Examiner  Margaret B. Medley	Art Unit  1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
     The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:



Margaret B. Medley  
Primary Examiner  
Art Unit: 1714

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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GROUP 1700

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PTO/SB/24 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031:  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE#13 fm  
03/25/02

## EXPRESS ABANDONMENT UNDER 37 CFR 1.138

Docket Number (Optional)  
1368 (TOUCHSTONE)

To:  
 Assistant Commissioner for Patents  
 Washington, DC 20231

In re Application of		ROGER S
Application Number	09/453,729	Filed 12/02/99
For Cellular Coal Products and Processes		
Art Unit 1714	Examiner MEDLEY, M.	

Please check only one of boxes 1-3 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1.  Express Abandonment in Favor of Continuing Applications.

I request that the above-identified application be expressly abandoned as of the filing date of this paper.

2.  Express Abandonment in Favor of a Continuing Application

I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed herewith.

3.  Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)

I hereby petition to expressly abandon the above-identified application to avoid publication.

NOTE: The application will be published in regular course unless the petition is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.

a.  The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. \_\_\_\_\_.b.  Check in the amount of \$ \_\_\_\_\_ is enclosed.c.  Payment by credit card (Form PTO-2038 is enclosed).

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 or Mail the petition to the above address directed to Box PGPub-ABD.

NOTE: If a continuing application is filed before the application is abandoned, unless and until an abandonment of the continuing application is filed under 37 CFR 1.138(c), in addition, the paper will not be treated as a request for express abandonment as of the filing date of this paper. The paper will be treated as a request for express abandonment as of the filing date of the continuing application, unless and until an abandonment of the continuing application is filed under 37 CFR 1.138(c). This paper will be recognized by the Pre-Grant Publication Division as a request for express abandonment as of the filing date of this paper.

- I am the:  applicant.  
 assignee of record of the entire interest. See 37 CFR 3.71.  
 attorney or agent of record. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  
 attorney or agent acting under 37 CFR 1.34(a) (may act only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a).

(Attorney or agent registration number)

Augerille Jackson Jr.

Signature

3/12/02

Date

AVZVILLE JACKSON, JR.

Typed or printed name

\* Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*  Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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MAR 13 2002

## GROUP 1700 Fax Transmittal Sheet

**OFFICIAL**

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Richmond, Virginia 23229  
Telephone: (804) 740-6828  
Facsimile: (804) 740-1881

DATE: 3/13/02

TO: Medley, M. (Phone 703/308-2518

COMPANY: US PTO art Unit 1714

FAX NUMBER: 703/872-~~9654~~<sup>9777</sup>

FROM: Auzville Jackson, Jr.

SUBJECT: 09/453,729  
Docket 1368 (Duchateau)FAX TRANSMITTAL SHEET IS PG. #1 OF 2.

If you did not receive all pages of this transmission, please call: (804) 740-6828.

## COMMENTS:

Dear Examiner Medley:  
Enclosed herewith is the Express  
abandonment of the above application.  
Respectfully,  
Auzville Jackson Jr.

UNLESS OTHERWISE INDICATED OR OBVIOUS FROM THE SUBJECT MATTER, THE INFORMATION CONTAINED IN THIS TELEFAX TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, COPYING OR DISTRIBUTION OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CONTACT THE SENDER IMMEDIATELY.